

REMARKS

Amendments

Amendments to the Claims

Applicant has amended the claims to correct instances of improper antecedent basis. Furthermore, Applicant has amended the claims to more particularly point out what Applicant regards as the invention. Specifically, the invention as claimed transmits through a privacy server without providing a user's identification. No new matter has been added as a result of these amendments.

Rejections

Rejections under 35 U.S.C. § 112, second paragraph

Claims 7-13 and 15-17

Claims 7-13 and 15-17 stand rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully submits that in claim 7, Applicant is not claiming a privacy system. Instead, Applicant is reciting a privacy system that interacts with the claimed electronic transaction device (e.g. see the Transaction Privacy Clearinghouse (TPCH) at paragraph 17 and Figure 1, element 115. The TPCH maintains a secure database of transaction device information and user information.). Therefore, Applicant respectfully submits that claim 7 as presented, and claims 8-13 that depend from claim 7, satisfy the requirements of 35 U.S.C. § 112, second paragraph and respectfully requests the withdrawal of the rejection of the claims under § 112.

Furthermore, Applicant respectfully submits that claims 15-17, as amended, satisfy the requirements of 35 U.S.C. § 112, second paragraph and respectfully requests the withdrawal of the rejection of the claims under § 112.

Rejections under 35 U.S.C. § 102(e)

Claims 1-4, 6-11, 13, 14 and 26

Claims 1-4, 6-11, 13, 14 and 26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Buckley, U.S. Patent No. 6,446,871. Applicant does not admit that Buckley is prior art and reserves the right to swear behind the reference at a later date.

Nonetheless, Applicant respectfully submits that Applicant's invention as claimed in claims 1-4, 6-11, 13, 14 and 26 is not anticipated by Buckley.

Buckley discloses retrieving information from the Internet by scanning a bar code with a handheld device. After scanning, the bar code in the handheld device is transferred to a computer, which in turn sends a request for the information using the bar code to a connection server. The connection server forwards the request to an appropriate news server. The news server retrieves the requested information, which is then sent back to the user's computer. In another aspect, the requested information is retrieved from a portal server.

Applicant respectfully submits that Buckley does not teach or suggest each and every limitation of Applicant's invention as claimed. In independent claims 1, 7, 14 and 26, Applicant claims communicating through a privacy server for product information without providing the user's identification. In contrast, Buckley retrieves the requested information by communicating with a connection server and news server. The connection server forwards the request for information to the appropriate news server, and the news server retrieves the requested information. Alternatively, a portal server supplies the requested information. Furthermore, Buckley is silent on whether the communication with connection server, news server and/or portal server provides or withholds the user's identification. Thus, the connection, news and/or portal servers supply the requested information, whereas Applicant's claimed invention communicates through a privacy server for the product information. Furthermore, there is no disclosure of Buckley that teaches or suggests communicating with or through a privacy server. Therefore, Buckley cannot be properly interpreted as disclosing communicating with or through a privacy server as claimed in claims 1, 7, 14 and 26 and claims 2-4, 6, 8-11 and 13 that depend on them.

Accordingly, Applicant respectfully submits that the invention claims in claims 1-4, 6-11, 13, 14 and 26 are not anticipated by Buckley under 35 U.S.C. § 102(e) and respectfully requests the withdrawal of the rejection of the claims.

Rejections under 35 U.S.C. § 103

Claims 5 and 12

Claims 5 and 12 stand rejected under 35 U.S.C. § 103(a) as being obvious over Buckley in view of Ausems, U.S. Patent No. 6,317,460. Ausems qualifies as prior art only under 35 U.S.C. § 102(e) because it issued after Applicant's effective filing date. Applicant does not admit that Ausems is prior art and reserves the right to swear behind the reference at a later date. Nonetheless, Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 5, 16, 26 and 35.

Ausems discloses an integrated personal digital assistant (PDA), cellular phone and smart card device. The integrated device enables purchasing of an item by transmitting financial information to the point of sale terminal. Furthermore, the integrated device receives updated financial records from a financial institution. Thus, the integrated device works with existing financial and commercial infrastructure to conduct and record transactions.

Applicant respectfully submits that the combination of Buckley and Ausems does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed in claims 5 and 12. Claims 5 and 12 depend from independent claims 1 and 7, respectively. Because Buckley does not teach or suggest each and every claim limitation of claims 1 and 7, Ausems must disclose at the least the missing element from claims 1 and 7 in order to have a proper *prima facie* case for claims 5 and 12.

However, there is no disclosure in Ausems that teaches or suggests a privacy server, as claimed in claims 1 and 7. In contrast, Ausems discloses an integrated device that works with existing financial and commercial infrastructure. Furthermore, Ausems does not disclose the existing financial and commercial infrastructure using a privacy server as claimed. As neither Buckley, nor Ausems, teach or suggest this element as claimed in claims 1 and 7, the combination cannot be interpreted as disclosing claims 1 and 7 and claims 5 and 12 that depend on them. Therefore, the combination cannot render obvious Applicant's invention as claimed in claims 5 and 12, and Applicant respectfully

requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

Claims 15, 17, 18, 20-25, 27 and 29

Claims 15, 17, 18, 20-25, 27 and 29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Buckley in view of Walker, U.S. Patent No. 6,163,771. Applicant respectfully submits that the combination does not teach each and every element of the invention as claimed in claims 15, 17, 18, 20-25, 27 and 29.

Walker discloses creating and encrypting a single use credit card number for electronic commercial transactions. The single use credit card number is constructed from the user's regular credit card and the electronic transaction information. The single credit card number is transmitted to the vendor, which in turn transmits the number to credit card issuer for authorization. The credit card issuer authorizes the transaction by extracting the user's regular credit card number form the encrypted single use credit card number.

Applicant respectfully submits that the combination of Buckley and Walker do not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed in claims 15, 17, 18, 20-25, 27 and 29. In independent claim 18, Applicant claims a privacy server that authorizes the transaction without revealing the identity of the user to the vendor. As per above, Buckley does not disclose a privacy server. Furthermore, Walker discloses a credit card issuer authorizing the transaction, not a privacy server as claimed. In addition, Walker is silent on whether the user's identity is revealed to the vendor by the credit card issuer. Therefore, combination cannot be interpreted as disclosing claim 18 and claims 20-25 that depends on it.

Furthermore, claims 15 and 17 depend from independent claim 14 and claims 27 and 29 depend from independent claim 26. Because Buckley does not teach or suggest each and every claim limitation of claims 14 and 26, Walker must disclose at the least the missing element from claims 14 and 26 in order to have a proper *prima facie* case for claims 15, 17, 27 and 29. However, as per above, Walker does not teach or disclose communicating through a privacy server because Walker does not disclose a privacy

server. As neither Buckley, nor Walker, teach or suggest a privacy server as claimed in claims 14 and 26, the combination cannot be interpreted as disclosing claims 14 and 26 and claims 15, 17, 27 and 29 that depend on them.

Accordingly, the combination cannot render obvious Applicant's invention as claimed in claims 15, 17, 18, 20-25, 27 and 29, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

Claims 16 and 19

Claims 16 and 19 stand rejected under 35 U.S.C. § 103(a) as being obvious over Buckley in view of Walker and Peckover, U.S. Patent No. 6,119,101. Applicant respectfully submits that the combination is does not teach each and every element of the invention as claimed in claims 16 and 19.

Peckover discloses representing consumers and providers in a virtual marketplace using personal agents. The consumer agents shop for products while concealing the consumer's identity. The agents generate market data for providers. However, the agents do not purchase items or authorize a transaction on behalf of the consumers.

Applicant respectfully submits that the combination of Buckley, Walker and Peckover does not support a *prima facie* case of obviousness because the combination does not teach or suggest each and every limitation of Applicant's invention as claimed in claims 16 and 19. Claims 16 and 19 depend from independent claims 14 and 18, respectively. Because Buckley and Walker do not teach or suggest each and every claim limitation of claims 14 and 18, Peckover must disclose at the least the missing element from claims 14 and 18 in order to have a proper *prima facie* case for claims 16 and 19.

In independent claims, Applicant claims transmitting a product information request through a privacy server (claim 14) or a privacy server authorizing a transaction (claim 18). In contrast, Peckover discloses using a consumer agent to shop, but not authorizing a transaction on the behalf of the consumer. Furthermore, there is no disclosure in Peckover teaching or suggesting a privacy server. As none of Buckley, Walker, or Peckover teach or suggest this element as claimed in claims 14 and 18, the combination cannot be interpreted as disclosing claims 14 and 18 and claims 16 and 19 that depend on them. Therefore, the combination cannot render obvious Applicant's

invention as claimed in claims 16 and 19, and Applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

SUMMARY

Claims 1-29 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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